

From: Faultry, Charles
To: [Tzhone, Stephen](#)
Subject: FW: Grisham letter to APC&E Commission Chair
Date: Tuesday, February 18, 2014 9:24:00 AM

FYI

From: Grish [mailto:curt@grish.org]
Sent: Friday, January 10, 2014 12:47 PM
To: Hall, Dara
Cc: Charles Moulton; Faultry, Charles; Harrelson, Tammy; hynum@adeq.state.ar.us; marks@adeq.state.ar.us; bassett@adeq.state.ar.us; Carpenter, Ellen; Tim Gauger
Subject: Re: Grisham letter to APC&E Commission Chair

You did mention the director's reporting to the governor and you did say "we can get you an answer" to my letter to Mr. Chamberlain. I didn't think ADEQ would follow through on its promise, even at the moment when you said that.

On Jan 10, 2014, at 10:24, "Hall, Dara" <HALL@adeq.state.ar.us> wrote:

Mr. Grisham,

It appears that we have had some miscommunication. In our telephone conversation on September 5, 2013, I acknowledged that ADEQ did not have your letter to the Commission dated May 16, 2012. We then discussed the relationship and duties between the APC&EC and ADEQ. I explained that Ark Code Ann. § 8-4-201 gives the Commission the duty to promulgate environmental rules and regulations and to act as a quasi-judicial body to which parties could appeal certain final actions or decisions of ADEQ. ADEQ, pursuant to Ark Code Ann. § 8-4-201, is given the power to enforce and administer environmental laws and regulations. As to your questions regarding to whom the Commission answered, we discussed that they are an independent decision-making body, but their decisions can be appealed to Circuit Court. My notes do not reflect discussing the ADEQ Director but the Director is appointed by the Governor, and, as pointed out previously, certain decisions of the ADEQ Director are appealable to the APC&EC Commission and the Courts. I apologize if you received the impression that ADEQ would answer a letter sent to the APC&EC Commission, but I have no authority to respond for the Chairman of the Commission and certainly would not agree to do so. I hope this response clears up any misconceptions.

Sincerely,

Dara Hall

Dara A. Hall
Attorney Specialist
Arkansas Department of Environmental Quality
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<image001.jpg>

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From: Grish [\[mailto:curt@grish.org\]](mailto:curt@grish.org)
Sent: Friday, January 03, 2014 12:07 PM
To: Hall, Dara
Cc: Charles Curtis Grisham Jr.; Charles Moulton; Charles Faultry; Harrelson, Tammy; Hynum, Tammie; Marks, Teresa; Bassett, Karen; Carpenter, Ellen; Tim Gauger
Subject: Fwd: Grisham letter to APC&E Commission Chair

Dear Mr. Hall,

On September 5, 2013 during a meeting held at EPA Region 6 in Dallas, you told me that ADEQ was **not** under the oversight of APC&EC and that ADEQ had never seen the letter (attached) I had addressed to Chairman John Chamberlin and delivered to Judge Moulton on May 16, 2012.

You told me in that meeting that ADEQ's Director was appointed by and responsible to the Governor **only** and that otherwise ADEQ was responsible to the courts only.

Could you please verify or correct my understanding of your assertions made during the September 5, 2013 meeting?

In that September 2013 meeting, you told me ADEQ would nonetheless provide me with an answer to my letter of May 16, 2012 to Mr. Chamberlin.

Please fulfill your commitment to me in this regard by providing ADEQ's response to my letter to Mr. Chamberlin of May 16, 2012, receipt of which was acknowledged by Judge Moulton on May 17, 2012 with the response "I will forward to the Chairman."

Thank you,

Charles Grisham, Jr.

Begin forwarded message:

From: "grish.org" <curt@grish.org>

Subject: Re: draft letter Grisham to APC&E Commission Chair

Date: May 16, 2012 at 11:48:55 AM PDT

To: Charles Moulton <charles.moulton@arkansasag.gov>

Cc: "grish.org" <curt@grish.org>

Thank you for your attention.

I attach a revised and signed final version (w/ EPA letter attached here again); please forward unless you think the changes detract.

Changes are:

Page 1: corrected first bolded quote; previous version quoted from very similar letter to Michael Norton of NWAEDD.

Page 3: added the bolded quote dated April 4, 2011 ADEQ to EPA; added paragraphs before and after this added quote; changed a preposition.

Curt